

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES MITCHELL,	)	
	)	
Petitioner,	)	Civil Action No. 06-945
	)	
v.	)	Chief Judge Ambrose
	)	Magistrate Judge Caiazza
EDWARD KLEM, et al.,	)	
	)	
Respondents.	)	

**MEMORANDUM ORDER**

James Mitchell's Petition for Writ of Habeas Corpus was received by the Clerk of Court on July 19, 2006, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on June 1, 2007, recommended that the Petition for Writ of Habeas Corpus filed by Petitioner Mitchell be dismissed and that a certificate of appealability be denied. The parties were allowed ten days from the date of service to file objections. Service was made on the Petitioner by First Class United States Mail delivered to the State Correctional Institution at Mahanoy, located in Frackville, Pennsylvania. The Petitioner filed objections on June 18, 2007 (Doc. 16).

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 29th day of June, 2007,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by James Mitchell is dismissed and a certificate of appealability is denied.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 15), dated June 1, 2007, is adopted as the opinion of the court.

s/Donetta Ambrose  
Donetta Ambrose  
Chief U.S. District Court Judge

CC:  
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